

Hello \_\_\_\_\_,

My name is Sheryl Pimlott Kubiak – I have a doctorate in psychology – as well as degrees in social work and nursing and am a professor at Michigan State University. My primary areas of research include the intersections between criminal justice, mental health and substance abuse – at both the individual and a broader systems level. As such, the issue of juvenile sentencing is of importance to me because many of the youth involved with the CJ system have mental health and/or substance use disorders. However, my testimony here today is not for the purpose of elucidating those issues. My testimony today focuses on data that was collected over two years from a random sample of 1,340 Michigan citizens 18 y/o or older. These individual interviews were collected as part of an annual statewide survey conducted by a university survey research center to determine public sentiment on a number of issues. My involvement in two years of survey collection was to include questions that ask Michigan residents about their beliefs on juvenile sentencing.

Public – as well as legislative and judicial - sentiments evolve on what standards of decency are for fair and just sentencing. Determination of public opinion can provide legislators with an understanding of the policies and practices that their constituents are likely to accept or reject – and to date there has been little information available on views about juvenile LWOP.

In this survey we began by asking respondents how strongly they agreed or disagreed with Michigan's law that requires an adolescent to be sent to LWOP for certain offenses. We found that while more disagreed than agreed – there was a pretty even split on the response: 48% disagreed, 41% agreed and 11% were unsure of how they felt. However, this like many survey questions, forces a dichotomous choice on a very complicated issue. Therefore, in a subsequent question we asked respondents which punishment they would choose for an adolescent convicted of homicide. From an array of options ranging from most severe (JLWOP) to least severe (juv facility until 21 and release) – only 5% choose LWOP in an adult prison. At the other end of the spectrum, 13% of the respondents believed that an adolescent convicted of should be held in a juvenile facility until 21 and then returned to the community. While these two positions represent the anchors on either side of the issue, the majority of individuals were found in the middle – however much fewer were found on the more severe side (15.3%) as compared to the more intermediate side (66.5%). This 66% of respondents felt that an

adolescent convicted of homicide should be sentenced to a juvenile facility until 18, then serve time in an adult prison and be afforded the possibility of parole.

There are a number of interesting things this data tells us. First – forced choice responses give us little information on complex issues. In fact, *of those who initially agreed with Michigan's Juv LWOP policy*, only 8% of respondents actually choose the sentence that most closely reflects that policy when given options. This could be that when Michigan residents are voicing agreement on simple, forced choice questions that they do not understand the details of the policy they are agreeing to. However, there is an extensive body of research that finds that the younger the youth and the more mitigating circumstance about the case, the least likely the public is to impose severe sentences.

The second – and perhaps most important point of the survey – is that Michigan residents do not believe that juveniles belong in adult facilities. Of the sentencing options given, 91% believed that youth should be sentenced to juvenile facilities at least until 18 rather than adult facilities. These findings are consistent with other questions that we asked on the survey about beliefs about rehabilitation and culpability. 80% of respondents agree that adolescents who commit violent offenses are strong candidates for rehabilitation while 75% do not believe that adolescents are as responsible as adults or (in a separate question) have the ability to control their impulses and understand the consequences of their action. Finally 70% of respondents believe that consideration should be given to adolescents who experience abuse as children.

These findings tell me that Michigan residents may understand what social and physical scientists understand about our developing brain and the effects of trauma on the brain functioning. Research on brain development tells us that the prefrontal cortex – the center of the brain involved in judgment, decision making and controlling inhibition – is undeveloped in the adolescent – no matter what the physical size of the individual. Furthermore, this prefrontal cortex is very vulnerable to stress – particularly in a still developing brain – and can be damaged by early childhood trauma.

Taken together, the beliefs of Michigan constituents and what science tells us about brain development, should be taken into account as this legislative body debates the merits of a policy change.